

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ILYA KOLESNIKOV and RINA KOLESNIKOV,  
individually and on behalf of all  
others similarly situated,

No. 10-1577 CW

CASE MANAGEMENT  
ORDER

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

A case management conference was held on November 18, 2010. In lieu of the schedule set at the argument, the Court orders the following.

Defendant JPMorgan Chase Bank, N.A.'s opposition to relating Lyons v. JPMorgan Chase Bank, N.A., Case No. C 10-5166 CRB, to this case shall be due November 19, 2010. Defendant's opposition must address specifically the issues raised in Civil L.R. 3-12(a) and (d). See Civil L.R. 3-12(e).

Plaintiffs Ilya Kolesnikov and Rina Kolesnikov shall, by November 24, 2010, file their motion for leave to amend their complaint. In their opening brief, they shall address whether they intend to proceed on their existing complaint in the event that their motion is denied, or if they will voluntarily dismiss their action. Further, Plaintiffs shall address the authority Defendant has cited concerning whether the Court has jurisdiction to grant leave to amend if they lacked standing at this action's inception. See Docket No. 33, at 4-9. If Plaintiffs file a motion for leave

1 to amend, Defendant's opposition shall be due December 8, 2010. If  
2 Plaintiffs have indicated in their motion that they will stand on  
3 their original complaint if their motion for leave to amend is  
4 denied, Defendant may include in its opposition to the motion for  
5 leave to amend a cross-motion to dismiss the original complaint.  
6 In that event, Plaintiffs must include in their reply to the  
7 opposition to the motion for leave to amend an opposition to  
8 Defendant's motion to dismiss. This brief shall be due December  
9 15, 2010. Defendant may file a reply to the opposition to the  
10 cross-motion to dismiss on December 22, 2010.

11 Any motion will be taken under submission on the papers.

12 IT IS SO ORDERED.

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14 Dated: November 19, 2010

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16 CLAUDIA WILKEN  
17 United States District Judge  
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